

**AGENDA SUMMARY PAGE**  
**CITY COUNCIL MEETING OF: OCTOBER 18, 2006**

**DEPARTMENT: NEIGHBORHOOD SERVICES**

**DIRECTOR: STEPHEN K. HARSIN**

☐ Consent ☒ Discussion

**SUBJECT:**

Public Hearing to consider the report of expenses to recover costs for abatement of vacant or abandoned building and assess civil penalties located at 8248 Gunther Circle. PROPERTY OWNER: WILLIAM H. CHEEK, JR. – Ward 2 (Wolfson)

**Fiscal Impact**

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No Impact

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Augmentation Required

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Budget Funds Available

Dept./Division: Neighborhood Services/Response

Amount: \$1,385.00

Funding Source: General Fund

**PURPOSE/BACKGROUND:**

The condition of the property was a public hazard and an attractive nuisance. The Department of Neighborhood Services declared the property in violation and started legal notification. When no corrective action was taken nor an appeal filed the Department of Neighborhood Services hired C.H. Construction, LLC to remove all trash, debris, refuse, waste, litter, all dead, dry vegetation exceeding 8 inches in height and post No Trespassing, No Dumping signs on site. To date, there have been nine (9) inspections conducted at this location. The value of the property based on the sale date of July 1999 was \$121,600.00.

**RECOMMENDATION:**

That the City Council: 1. Approve the report of expenses in the amount of \$1,385.00 in order that the above charges be filed and recorded against the property, constituting a special assessment and lien. 2. Authorize that the Notice and Lien of Assessment be duly recorded with the County Treasurer.

**BACKUP DOCUMENTATION:**

1. Agenda Memo
2. Location Map
3. Report of Expenses
4. Contractor Disclosure
5. Notice of Public Hearing
6. Chronological List of Events
7. Copy of the Notice and Claim of Lien

Motion made by STEVE WOLFSON to Approve with an added condition as denoted below:

A civil penalty of \$5000.00.

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

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LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

MAYOR GOODMAN declared the Public Hearing open.

Video shown but not submitted.

DEVIN SMITH, Manager of Neighborhood Services, read the purpose/background regarding the condition of the property as a public hazard and attractive nuisance requiring the described abatement. The value of the property based on the sale price dated July 1999 was \$121,600.00. He recommended that the above charges be filed and recorded against the property as a special assessment and lien and that the Notice and Lien of Assessment should be filed and recorded with the County Treasurer's Office.

The property owner was not present.

MAYOR GOODMAN requested a compilation of the fees received from the liens in order to evaluate the effectiveness of these efforts. MR. SMITH stated he would provide that information either before or at the next City Council meeting.

COUNCILMAN WOLFSON noted that the property owner has failed to comply with City ordinances during his four years of ownership and requested additional penalties. MR. SMITH informed COUNCILMAN WOLFSON that the situation should have been addressed by the property owner by 8/21/2006.

DEPUTY CITY ATTORNEY BRYAN SCOTT informed COUNCILMAN WOLFSON that the City Council has the ability to impose a civil penalty from the date the initial abatement was not addressed by the property owner to the current date.

MAYOR GOODMAN suggested that COUNCILMAN WOLFSON'S proposed civil penalty of \$10,000.00 might be a bit harsh, so COUNCILMAN WOLFSON proposed a civil penalty of \$5,000.00.

DEPUTY CITY ATTORNEY SCOTT explained to COUNCILMAN WOLFSON that the mortgage company or future buyer generally pay the liens when the property is sold. MR. SMITH noted the title companies generally contact the City to address the liens.

COUNCILMAN REESE observed that another strategy was needed to encourage property owners to maintain their properties.

MAYOR GOODMAN declared the Public Hearing closed.